

1 [Calling from Committee - Committee of the Whole and Closed Session - Settlement of
2 Lawsuit and Tolling Agreement with Airbnb, Inc. and HomeAway.com, Inc. - May 23, 2017]

3 **Motion calling from the Government Audit and Oversight Committee the proposed**
4 **Resolution (File No. 170507) endorsing settlement of the lawsuit filed by Airbnb, Inc.**
5 **and HomeAway.com, Inc. against the City and County of San Francisco, entitled**
6 **Airbnb, Inc., et al. v. City and County of San Francisco, and authorizing a tolling**
7 **agreement in that lawsuit; scheduling the Board of Supervisors to sit as a Committee**
8 **of the Whole at the meeting on May 23, 2017 at 4:00 p.m. to hold a public hearing to**
9 **consider the proposed Resolution; and scheduling a closed session of the Board of**
10 **Supervisors at the same meeting for the purpose of conferring with, or receiving advice**
11 **from, the City Attorney regarding that existing litigation in which the City is a**
12 **defendant, pursuant to California Government Code, Section 54956.9(a), and San**
13 **Francisco Administrative Code, Section 67.10(d)(1).**

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15 MOVED, That under Rule 3.37 of the Board's Rules of Order, the Board hereby orders
16 that the proposed Resolution (File No. 170507) endorsing settlement of the lawsuit filed by
17 Airbnb, Inc. and HomeAway.com, Inc. against the City and County of San Francisco, entitled
18 Airbnb, Inc., et al. v. City and County of San Francisco, be called from the Government Audit
19 and Oversight Committee and be returned to the Board for consideration at the regular Board
20 of Supervisors meeting on May 23, 2017; and, be it

21 FURTHER MOVED, That the Board of Supervisors convene as a Committee of the
22 Whole on May 23, 2017, at 4:00 p.m., to hold a public hearing on the proposed Resolution;
23 and, be it

24 FURTHER MOVED, That the Board of Supervisors convene in closed session on May
25 23, 2017, for the purpose of conferring with, or receiving advice from, the City Attorney

1 regarding existing litigation relating to the lawsuit filed on June 27, 2016, in the United States
2 District Court for the Northern District of California, Case No. 16-cv-03615, entitled Airbnb,
3 Inc., et al. v. City and County of San Francisco, challenging Ordinance Nos. 104-16 and 178-
4 16, which regulate hosting platforms that provide booking services for short-term residential
5 rentals, and in which the City is a defendant; California Government Code, Section
6 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), permit this closed
7 session because discussion in open session concerning this matter would likely and
8 unavoidably prejudice the position of the City in the existing litigation.

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